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C O N F I D E N T I A L BOGOTA 003365

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SUBJECT: OCTOBER HUMAN RIGHTS UPDATE

REF: REF A: 08BOGOTA3686

CLASSIFIED BY: Mark A Wells, Political Counselor; REASON: 1.4(B), (D)

SUMMARY

11. (C) On October 26, the DCM addressed a labor event and conveyed the USG's strong support for the work of labor leaders and other activists. The Prosecutor General's Office obtained convictions and issued arrest warrants in cases involving military extrajudicial executions and paramilitary massacres. A Sincelejo court ordered the GOC to make reparations payments for the 2001 Chengue massacre. The Meta Human Rights Ombudsman reports military operations continue to violate International Humanitarian Law. Threats and attacks on human rights activists continue to rise.
End Summary.

DCM ADDRESSES UNION EVENT

12. (U) On October 26, the Deputy Chief of Mission gave remarks at an AFL-CIO ceremony in Bogota honoring human rights attorney Yessika Hoyos Morales, the daughter of Colombian trade union leader Darios Hoyos Franco who was assassinated for his union activism in March 2001. The DCM highlighted the essential role unions play in healthy, democratic societies. He applauded the contributions of the AFL-CIO to workers' rights in the United States and internationally, and expressed USG support for ongoing efforts to end impunity for violence against labor leaders, human rights defenders, and social activists.

FISCALIA ADVANCES CASES OF EXTRAJUDICIAL KILLINGS...

¶3. (U) Six members of the army were each sentenced to 19 years in prison for the August 2006 murder of Douglas Antonio Perez Sibaja in Puerto Asis, Putumayo.

¶4. (U) The Prosecutor General's Office (Fiscalia) ordered the preventive detention of 15 members --including a Coronel, Major, Captain, Lieutenant, Corporal, and 10 professional soldiers-- of the anti-guerilla unit "Los Aniquiladores" ("The Annihilators") of the 14th Brigade's Calibio Battalion in Cimitarra, Santander for two January 2008 "false positive" (military murders presented as combat kills) crimes. The defense has threatened counter-suits.

¶5. (U) Former United Self-Defense Forces of Colombia (AUC) member Jose Dionisio Ramos Castillo, alias Joselito Carnaval, was convicted for recruiting 14 victims in three separate "false positive" crimes. Ramos received 22 years for recruiting the 11 victims of the July 2007 Tolviejo murders (REF A); 17 years for recruiting two victims who were murdered in Galeras, Sucre, in November 2007; and 20 years for recruiting a victim killed in San Benito Abad, Sucre, also in November 2007.

...AND PARAMILITARY MURDERS

¶6. (U) AUC leader and fugitive Rodrigo Mercado Pelufo, alias Cadena, was sentenced in absentia to 40 years for involvement in the October 2000 Macayepo massacre of 15 people in Montes de Maria, Bolivar. Former AUC leader Uber Enrique Banquez Martinez, alias Juancho Dique, admitted guilt for the February 2000 El Salado, Bolivar, massacre of 38 people. Former AUC member Robinson Solano Gonzalez was sentenced to 16 years in prison for the March 2000 death of COLTABACO unionist Ciro Arias Blanco in Capitanejo, Santander. Former AUC member Edgar Ignacio Fierro Florez, alias Don Antonio, was sentenced to 19 years for the May 2005 murder of former Electrocari union president Adan Alberto Pacheco Rodriguez in Barranquilla.

COURT RULES GOC MUST PAY CHENGUE VICTIMS

¶7. (U) On October 5, the Fourth Administrative Circuit Court of Sincelejo ordered the GOC to pay 2.5 billion pesos (\$1.25 million) to the families of the AUC's 27 victims in the 2001 Chengue massacre.

META OMBUDSMAN HEARS HUMAN RIGHTS RHETORIC,

BUT SEES NO APPLICATION

¶8. (C) Eduardo Gonzalez Pardo, Human Rights Ombudsman for Meta Department, told Polcouns October 7 that the Revolutionary Armed Forces of Colombia (FARC) had changed strategy in southern Meta by using small groups to exert influence over livelihoods, mainly by threats, forced sales of land and cattle, forced displacements and illegal road check points. Gonzalez said human rights reforms by the Ministry of Defense had not filtered down to the field, noting that the army continued to commit violations of International

Humanitarian Law (IHL), such as carelessly killing civilians during engagements with the FARC, forcing the population to provide food and lodging to troops, and denying food deliveries to areas believed to be under FARC control. On this last point, Gonzalez said his complaint to the area commander was answered with an argument that the army's action was consistent with provisions in the Geneva Convention. Gonzalez said the legal citation was incorrect, but noted it was the first time he had witnessed the army attempt to apply IHL and chalked it up to the innovation of operational lawyers being assigned to field commanders.

THREATS AND ATTACKS AGAINST ACTIVISTS

¶9. (C) Human Rights lawyer Mario Montes de Oca of the Committee for Families and Victims (COMFAVIC) --which handles over 4,000 land tenure cases for paramilitary and guerilla victims-- was shot three times on October 1 in Monteria, Cordoba; a COMFAVIC messenger died in the attack. Another COMFAVIC lawyer, Ana Isabel Gomez Perez, was killed in April 2009. Montes told us on October 22 that COMFAVIC had received repeated threats and had applied for a protection scheme through the Ministry of Interior and Justice

three times since 2007, including immediately after the murder of Gomez Perez; each time the request was denied.

¶10. (U) Islena Rey Rodriguez, Director of the Civic Committee for Human Rights in Meta, was shot and wounded on October 17 when a gunman on a river bank fired at a procession of small boats carrying community leaders. While initial press reports attributed the attack to the FARC, Astrid Quintano, Deputy Director, told us October 20 that the NGO had not received threats and they were wary of ascribing the attack to a particular group. Rey Rodriguez is a surviving member of the Patriotic Union (UP), the FARC's failed political party whose members were massacred by paramilitaries. Rey Rodriguez is a surviving member of the Patriotic Union (UP), the FARC's failed political party whose members were massacred by paramilitaries.

¶11. (U) In Narino, the criminal group "Los Rastrojos" issued a pamphlet claiming certain NGOs and international organizations were working with the FARC and would therefore be considered military targets. The groups included the United Nations Development Program, think tank Nuevo Arco Iris, Movement for Victims of Crimes of the State (MOVICE), Departmental Committee for Human Rights, FUNDEPAZ, Tumaco Pastoral Council, UNIPA, CAMAWARI, and Pastos School.

¶12. (C) Syndicated journalist Victor Diusaba told us October 27 that armed men had threatened his minor son. Diusaba cited a similar incident involving Caracol radio announcer Rodrigo Silva's son who was warned to tell his father to stop his investigative reporting. On October 29, MOVICE Sucre Director Ingrid Vergara publicly denounced threats against her work that were issued to her 14-year-old daughter.

UNION LEADER LOSES INDIVIDUAL PROTECTION SCHEME

¶13. (C) SINTRAMIENERGETICA union leader Raul Sosa Avellanda told us on October 9 that his individual protection scheme had been cancelled. Poloff raised this issue with Ministry of Interior and

Justice Protection Program Director Luz Stella Moncada, who said that Sosa's level of risk had been determined to have decreased, and Sosa was placed in a collective protection scheme for the top SINTRAMIENERGETICA leaders, which provides protection to the union's office. Poloff noted that Sosa is a witness in a new investigation into Drummond executives, and argued his situation likely merits individual protection.

VIOLENCE PLAGUES AWA COMMUNITY

¶14. (U) On October 28 in Guayacana, Narino, unknown assailants killed four Awa men who were attending the wake of an Awa man killed in a drive-by shooting. According to the National Indigenous Organization of Colombia (ONIC), the Awa represent 50% of all indigenous killed this year.
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